

From: [Eurica Californiaa](#)
To: [KSD Robinson Chambers](#)
Cc: Kris.Ailsleger@ag.ks.gov
Subject: Roeder v. Schnurr, No. 5:20-cv-03275-JAR
Date: Thursday, September 2, 2021 10:57:05 PM
Attachments: [Instruction to File.pdf](#)
[Petitioners reply to states answer.pdf](#)

CAUTION - EXTERNAL:

RE: Roeder v. Schnurr
Case No. 5:20-cv-03275-JAR

Honorable Julie A. Robinson
Chief Judge
United States District Court
500 State Avenue, Suite 511
Kansas City, KS 66101

Dear Your Honor,

My name is Eurica Californiaa. I am a legal paperwork assistant for Petitioner Scott P. Roeder. Petitioner Roeder has advised me of his medical condition which has impeded his ability to utilize the electronic filing system in place at his confinement facility. In a letter dated July 30, 2021, Petitioner Roeder instructed me to submit to the Clerk for filing his Petitioner's Reply to Respondent's Answer, which he hand-signed and dated on the same date. I transmitted the aforementioned document to the Clerk for filing as instructed, but the Clerk has twice refused to file it, both by email (see docket annotation dated August 6, 2021) and by regular mail (see Doc. 31). I am attaching to this email a copy of Petitioner's Reply to Respondent's Answer along with a copy of the instruction I received from Petitioner Roeder.

I have been Petitioner Roeder's legal paperwork assistant for over a decade, beginning shortly after his arrest. During that time, he has never missed a filing deadline. Indeed, he has been exceptionally diligent in such matters, despite numerous filings. Yet now I have not heard from him since his letter of July 30, despite sending him several letters in the meantime asking for him to contact me urgently to discuss the filing problem and despite my providing him with commissary funds to ensure he can pay for postage or a phone call. Accordingly, I have every reason to assume that his medical condition has taken a serious turn for the worse.

According to a long history of practice in the United States District Courts, a third party, such as myself, can tender a civil litigant's Court document to the Clerk for filing, whether by mail or in person, and regardless of whether that litigant is represented by counsel or appearing pro se. Indeed, before the days of electronic filing, the Civil Intake Clerk faced long lines of such third parties, known as couriers, doing this every day.

Fed. R. Civ. P. 5(d)(3)(B)(ii) provides that "A person not represented by an attorney may be required to file electronically only by court order, or by a local rule that includes REASONABLE EXCEPTIONS." Emphasis added. It appears the Court's administrative procedure for prisoner e-filing (revised October 1, 2018) does not include reasonable exceptions for the difficulties faced by prisoners such as Petitioner Roeder. It also appears that the Court's administrative procedure for prisoner e-filing is not an adequate substitute for the traditional system of prisoner legal mail. For example, Petitioner Roeder has stated to me that his facility requires him to appear in person at the library on days limited to a Wednesday or Friday in order to e-file.

Yet even if the Court's administrative procedure were in order, Fed. R. Civ. P. 5(d)(4) provides that "The clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice." Consequently, the Clerk's refusal to file the Petitioner's Reply to Respondent's Answer submitted by regular mail appears clearly out of step with proper filing procedures. See Doc. 31.

The Court is therefore requested to file the attached Petitioner's Reply to Respondent's Answer. See Fed. R. Civ. P. 5(d)(2)(B). Please instruct if the document should be sent again by regular mail.

I note that delivery of the document to the Clerk by regular mail cost me a total of \$61.12, which is itemized as \$26.82 for document printing, \$26.35 for U.S. Express Mail to the Clerk, and \$7.95 for U.S. Priority Mail for a prepaid return mailer addressed to Petitioner Roeder. The expense comes out of my own pocket because I provide legal paperwork assistance to Petitioner Roeder pro bono. Given the inexplicable nature of the Clerk's refusal to file the document, I suggest that the Court consider reimbursing me for this cost.

Respectfully submitted,

/EC/

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*Legal paperwork assistant for Mr. Roeder

CC: Counsel for Respondent Schnurr

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